

08 APR 1985

US EPA RECORDS CENTER REGION 5



515372

MEMORANDUM

SUBJECT: Reilly Tar/Depositions of Chris Grundler  
& Paul Bitter

FROM: Robert Leininger  
Assistant Regional Counsel

TO: Addressees

On March 24 the federal lawyers met with Chris Grundler and Paul Bitter to prepare them for their depositions. We went over the general rules which a witness should follow and practiced many of the types of questions which it was anticipated would be asked by Reilly Tar. Chris Grundler was advised to be careful not to testify about specific facts or issues concerning the site unless he is conversant with such facts or issues. He had more of an oversight role. Paul Bitter is the witness who was expected to know the details.

Grundler's deposition on March 25 consisted primarily of Reilly Tar inquiring into what remedy the United States would be looking for in each aquifer underlying the site. Chris did a very good job in answering Reilly's questions and in knowing what questions should be deferred to Paul Bitter and the State's OSC, Steve Riner. Paul Bitter's deposition was conducted on March 26. Reilly's questioning of Paul was much more thorough. Consequently, Reilly didn't really get much beyond the topics of Paul's background and the drinking water criteria. Mr. Bitter was excellent. He listened to each questions very carefully, did not volunteer information and was very precise in his answers. We are currently trying to agree upon a date for concluding Paul's deposition. It will probably take two more days.

During the course of both Grundler and Bitter's depositions, when Reilly asked questions concerning the deliberative process aspects of the ROD, we objected and instructed them not to answer

citing the deliberative process privilege of U.S. vs Morgan.

Addressees: Robert Schaeter  
David Ullrich  
Mary Gade  
Barbara Nagel  
Elizabeth Maxwell  
Paul Bitter  
~~Chris Grondler~~(HQ)